

REMARKS

Applicants respectfully request reconsideration of the present application in view of the reasons which follow.

Claims 22-26, 31-33, and 45 are pending in this application.

Rejection under 35 USC § 103(a)

Claims 22-26, 31-33, and 45 are rejected under 35 USC §103(a) as being unpatentable over Hollingsworth (US 6,837,346).

Claim 22 covers a first releasable fastening mechanism positioned to releasably join the first panel and the first cover and a second releasable fastening mechanism positioned to releasably join the second panel and the first cover. Applicants submit that Hollingsworth, taken alone or in combination with any other cited reference, fails to teach or suggest such an element combination.

Hollingsworth discloses a carrying case or binder with pop-out compartments. By the Examiner's own admission, Hollingsworth does not disclose a pocket having a second panel and a second fastening mechanism in the manner of claim 22. The Examiner instead it would have been obvious to "make the pocket as a separate piece/casing that is removable, because it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art." In an attempt to support that argument, the Examiner points to the casing 66, which is releasably attached to the front wall 16.

Making the pocket of Hollingsworth a separate casing in a manner similar to the casing 66 would result in a pocket in which first and second fastening mechanisms are provided. A first releasable fastening mechanism (e.g., 84, 84') would attach a first pocket panel to a first cover, yet a second releasable fastening mechanism (e.g., 82, 82') would attach the first pocket panel to the second pocket panel. Thus, the proposed modification of Hollingsworth still does not show the second releasable fastening

mechanism positioned to releasably join the second panel and the first cover, per claim 22. Stated another way, the first and second releasable fastening mechanisms are not both able to releasably join one of the pocket panels to the first cover. Accordingly, Hollingsworth fails to anticipate and/or render obvious the subject matter of claim 22.

With respect to claim 26, Applicants submit that the Examiner has failed to set forth a prima facie case for obviousness under 35 USC §103(a). In particular, the Examiner has failed to point out which element or elements are not disclosed by the primary reference, Hollingsworth, as per the standards set forth in *Graham v. John Deere, Co.* (383 U.S. 1, 148 USPQ 459 (1966)). Specifically, the Examiner has not ascertained the differences between the claimed invention and the prior art. Thus, barring a proper showing, Applicants submit that claim 26 and those claims depending therefrom are now in condition for allowance.

Claim 26 shows a pocket including a front panel and a rear panel, wherein each panel is independently pivotable relative to the other.

The Examiner submits that panel 28 is part of the first cover of the binder. Thus, it cannot qualify also as one of the pocket panels. If the Examiner intends to provide for a releasably attached pocket (e.g., 66) in a similar manner as claim 22, Hollingsworth does not then disclose a pocket with two panels that are independently pivotable relative to one another, as one of those panels would be fixed and unable to pivot. Thus, Hollingsworth is unable to anticipate or render obvious the subject matter of claim 26.

Accordingly, Applicants submit that independent claims 22 and 26 are now in condition for allowance. Further, claims 23-25, 31, and 32, based upon their dependency upon allowable claim 22, and claims 33 and 45, based on their dependency upon allowable claim 26, are also now in condition for allowance.

Conclusion

Applicants believe that the present application is in condition for allowance.
Favorable consideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

If any fees are due in connection with the filing of this Amendment, please charge the fees to 132512. If a fee is required for an extension of time under CFR § 1.136 that is not accounted for above, such an extension is requested, and the appropriate fee should also be charged to our Deposit Account.

Respectfully submitted,

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